

Rigid Plastic Packaging Container (RPPC) Informal Rulemaking Process Advisory Committee Workshop

Cal/EPA Building

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Agenda



TIME	TOPIC
9:00 - 9:10 (Sierra Hearing Room)	Welcome / Introductions / Agenda Review
9:10 - 9:30	<ul style="list-style-type: none">- Ground Rules- Guiding Principles- Rulemaking Process
9:30 - 10:30	<ul style="list-style-type: none">- Overview of Proposed Changes- Review of Draft Regulations
10:30 – 10:45	BREAK
10:45 – 12:30	<ul style="list-style-type: none">- Review of draft regulations continued/definitions<ul style="list-style-type: none">- Rigid Plastic Packaging Container (RPPC)- Product Manufacturer- Postconsumer Material (PCM)
12:30 – 1:30	LUNCH
1:30 – 2:15 (Byron Sher Auditorium)	<ul style="list-style-type: none">- Compliance Options (SB 743 and SB 1344)<ul style="list-style-type: none">- Single Resin Type Recycling Rate- Use of CA PCM in Other Packaging or Products- Certification Process<ul style="list-style-type: none">- Company Selection Process- Company Notification Process
2:15 - 3:00	<ul style="list-style-type: none">- Container Determination Appeals- Penalties and Violations<ul style="list-style-type: none">- Container Manufacturer Responsibility- Factors for Modifying Penalties
3:00 - 3:15	<ul style="list-style-type: none">- Next Steps –Staff to seek direction to formally notice regulations at September Permitting and Compliance Committee (09/10/07 @ 1:30pm)- Adjourn



Ground Rules

- One person speaks at a time
- No interruptions
- No criticism
- Listen respectfully and sincerely
- All suggestions recorded
- Questions may be asked to clarify ideas



Rulemaking Guiding Principles – Environmental Benefits

Regulatory Changes Should:

- Support the intent of the law
- Increase use of recycled plastic in products
- Contribute toward California diversion
- Increase recycling rate of plastics
- Improve recyclability of plastics



Rulemaking Guiding Principles – Certification Process

Process Improvements Should:

- Provide for more efficient and effective implementation of the law
- Improve the clarity of the law
- Increase compliance with the law
- Ensure fair and equitable treatment

Rulemaking Process

- ◆ **Informal review & comment**
 - **Advisory Committee**
 - **Stakeholder Workshop**
 - **Board Item**

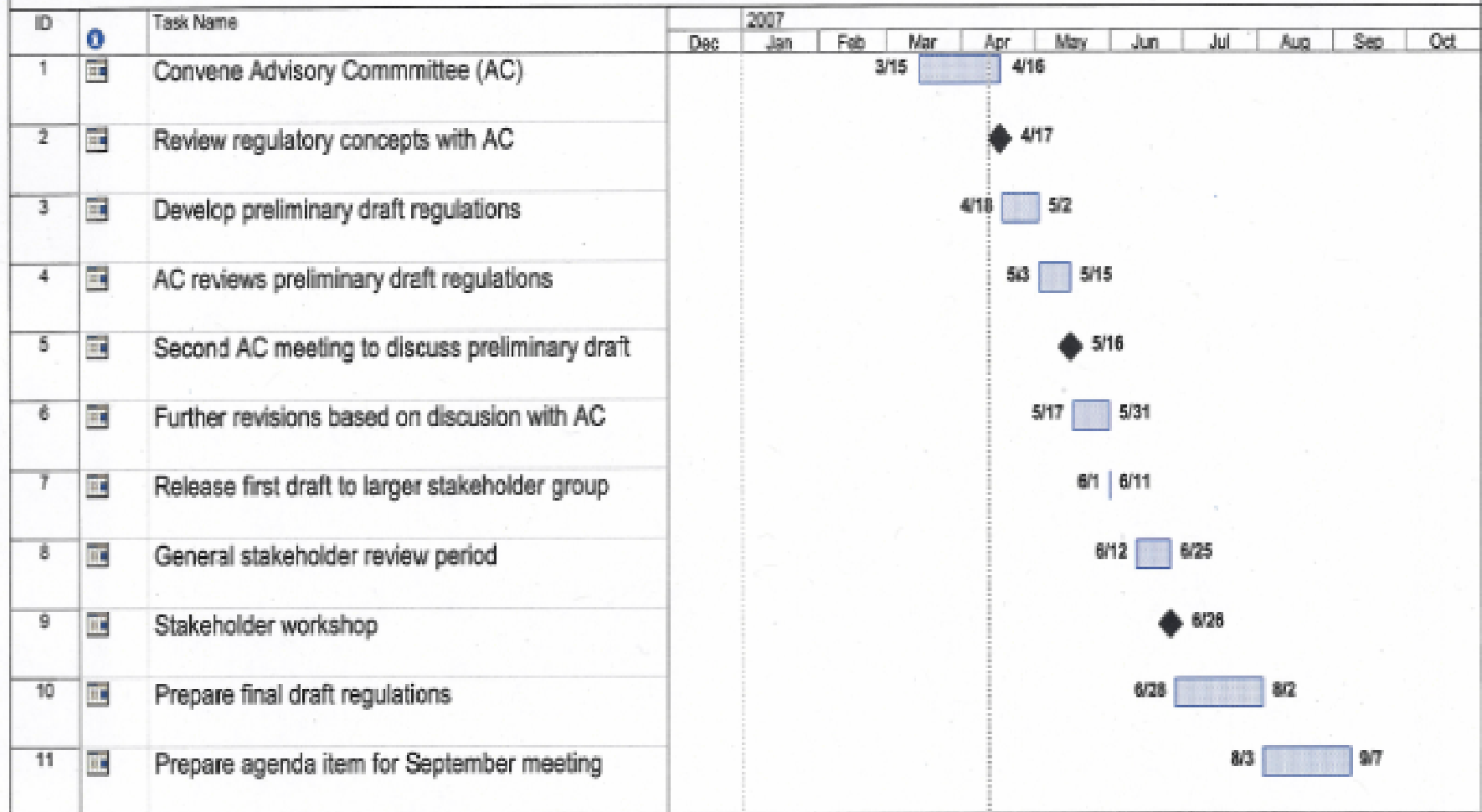
Advisory Committee Role

The role of the advisory committee is to provide suggestions to Board staff during the informal rulemaking process regarding changes to the California Rigid Plastic Packaging Container (RPPC) regulations

Time Line



Rigid Plastic Packaging Container (RPPC)
Rulemaking Timeline



Overview: Need for Rulemaking

Regulatory changes are needed to:

1. Incorporate recent statutory changes
2. Improve clarity and organization
3. Make process improvements

Regulatory Changes

- ◆ Moved away from Q&A format
- ◆ Deleted out dated language
- ◆ Re-formatted to improve flow, readability, and clarity
- ◆ Revised to reflect legislative intent to support demand for PCM
- ◆ Included certification processes to provide better direction to regulated community



Review of Draft Regulations

1. Definitions
2. Compliance options
3. Certification processes
4. Container information
5. Container manufacturer requirements
6. Compliance option calculations
7. Waiver & Exemption requirements
8. Container determination appeal process
9. Violations and Penalties

Walkthrough of Regulations

- Review Key Definitions
 - Post-consumer Material (PCM)
 - Product Manufacturer
 - Rigid Plastic Packaging Container (RPPC)
 - Source Reduction

Postconsumer Material

- ◆ **Revise to reflect statutory definition**
 - **will help eliminate confusion**

Product Manufacturer

- Clarify responsible reporting entity in the one causing product to be generated and sold in CA.
 - **Help Green Supply Chain**



Rigid Plastic Packaging Container

- Status Quo – RPPC Examples
- Labeled Volume
- Capable of Multiple Re-closure
 - Capable of a single re-closure
- Entirely Made of Plastic

Examples of RPPCs



**Currently
Regulated**

**aka: Acetate
Tubes**



**Currently
Regulated**



**aka: Acetate
Boxes**



**Currently
Regulated**



**Battery
Containers**



**CD
Spindles**



**Currently
Regulated**



**Cleaning
Supplies**



**Currently
Regulated**



Wipes

Rigid Plastic Packaging Container

- **Labeled volume**
 - **Use labeled volume**
 - **If not labeled, then use volumetric equivalent**
 - **Previously was at discretion of manufacturer**

Rigid Plastic Packaging Container

- **Remove “Capable of Multiple Reclosures”**
(expand the regulated universe)







Rigid Plastic Packaging Container

- Capable of at least one closure
(level the playing field)

**Capable of
Multiple
Reclosure**

**Heat
Sealed**



**Currently
Regulated**



**Currently
Not - Regulated**



**Not
Capable
of
Multiple
Reclosure**

**Currently
Not - Regulated**



**Capable of
Multiple
Reclosure
with an
attached
lid**

**Currently
Regulated**



Rigid Plastic Packaging Container

- **Entirely Made of Plastic**
(level the playing field)

Bucket with
an attached
Metal Handle



Currently
Not - Regulated

Bucket with
an attached
Plastic Handle



Currently
Regulated

Source Reduction

- ◆ Deleted obsolete language
- ◆ Clarified how a package qualifies
- ◆ Made clear that can't switch to less recyclable resin

Afternoon Session: (Byron Sher Auditorium)

Concepts to Address in the Rulemaking

- New Compliance Options:
 - Single Resin Type Recycling Rate
 - Use of CA-PCM in Non-RPPC Products and Packaging
- Certification Processes
 - Company Selection
 - Company Notification
- Container Determination Appeal Process
- Violations and Penalties
 - Container Manufacturer Liability
 - Factors for Modifying Penalties



California PCM Consumption Documentation

- **Single Resin Type Recycling Rate**
- **CA PCM Use**
 - **Direct Use**
 - **Verify Third Party Contractors**

Certification Processes

- ◆ Selection of Product Manufacturers for Certification
- ◆ Notification of Product Manufacturers

Container Determinations

- ◆ **Appeal Process for Container Determinations**

Violations & Penalties

- ◆ Container Manufacturer Liability
- ◆ Factors for Modifying Penalties

Open Discussion / Public Comment

Next Steps

1. Draft revisions to regulations incorporating today's input
 - Release draft regulations – July 17, 2007
2. Presentation at the Permitting and Compliance Committee at the September 10, 2007 meeting for approval to notice formal rulemaking



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